

Applicants respectfully traverse the Restriction Requirement on the grounds that the seasoning of Group I is made by the process of Group II and as such these groups should not be separated.

In regard to Groups I and Group II, the Office has characterized the relationship between these two groups as process of making and product made. Citing MPEP §806.05(f), the Office concludes that the “product claimed (Group I, claims 1-4) can be made with another and materially different process, i.e., a process wherein “preparing a solid koji” is not required or wherein the addition of “lactic acid bacterium” is not required.” However, the Office has not provided reasons to support this conclusion. Further, the Office has failed to show that the proposed process is materially different from the claimed process. Moreover, the seasoning of Group I is made by the process of Group II. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants also respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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